

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sau C. Wong et al.		
Assignee:	SanDisk Corporation		
Title:	Analog Buffer Memory for High-Speed Digital Image Capture		
Application No.:	09/159,397	Filing Date:	September 23, 1998
Examiner:	Whipkey, Jason T.	Group Art Unit:	2612
Docket No.:	SNDK.195US0	Conf. No.:	5079

Mail Stop Publications
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO
WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181**

Dear Sir:

This petition was previously submitted on April 18, 2006, however a call to the USPTO has determined that the petition was scanned improperly into the USPTO system and a request by the USPTO to resubmit this petition was made. A copy of the petition is attached including the confirmation receipt.

This petition is in response to the Notice of Abandonment, mailed in the above-referenced case on February 21, 2006. The Notice of Abandonment (copy attached, Exhibit 1) was issued for failure to respond to the Notice of Allowance for the present application mailed on September 12, 2005.


More specifically, the Patent Office mailed a Notice of Allowance for the present application on September 12, 2005. In response, an Issue Fee transmittal (copy attached, Exhibit 2), which was due on December 12, 2005, was mailed back to the Patent Office on December 9, 2005. The return postcard (copy attached, Exhibit 3) that accompanied the transmittal shows it was received at the PTO on December 12, 2005. Copies of the Issue Fee transmittal and post card are included with this petition. As can be seen on the Issue Fee transmittal, the application, the Assignee, and the firm of the undersigned that is the representative of the Assignee in this EFS Filing
SNDK.195US0

Serial No.: 09/159,397

case are all fully identified and the appropriate boxes on the form are filled in. Under section 4b, the method payment is indicated as being the Deposit Account, but with the number of the deposit account was inadvertently omitted. According to the Notice of Abandonment, the application is abandoned as issue and publication fees were not submitted. This is respectfully submitted to be in error pursuant to 37 CFR 1.311(b)(2) which clearly states that "The submission of either of the following after the mailing of a Notice of Allowance will operate as a request to charge the correct issue fee or any publication fee due to any deposit account identified in a previously filed authorization to charge such fees: (1) An incorrect issue fee or publication fee or (2) a Fee transmittal form (or letter) for payment of the issue fee or publication fee." Therefore, it is requested that the holding of abandonment be withdrawn under 37 C.F.R. § 1.181.

The fee of \$1700.00 has been authorized via EFS to Deposit Account 502664. The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account 502664.

Respectfully submitted,


Gerald P. Parsons
Reg. No. 24,486

2/28/07
Date

PARSONS HSUE & DE RUNTZ LLP
595 Market Street, Suite 1900
San Francisco, CA 94105
(415) 318-1160 (main)
(415) 318-1163 (direct)
(415) 693-0194 (fax)

Electronic Acknowledgement Receipt

EFS ID:	1025233
Application Number:	09159397
Confirmation Number:	5079
Title of Invention:	ANALOG BUFFER MEMORY FOR HIGH-SPEED DIGITAL IMAGE CAPTURE
First Named Inventor:	SAU C. WONG
Customer Number:	36257
Filer:	Katherine Alison DeRuntz/Eileen Bowen (MGC)
Filer Authorized By:	Katherine Alison DeRuntz
Attorney Docket Number:	M-10296 US
Receipt Date:	18-APR-2006
Filing Date:	23-SEP-1998
Time Stamp:	12:48:08
Application Type:	Utility
International Application Number:	

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
1		SNDK195US0_Transmittal_Petitions_to_Withdraw_Abandonment_or_Revive.pdf	333809	yes	6

	Multipart Description		
	Doc Desc	Start	End
	Transmittal to TC	1	1
	Petition for review by the Office of Petitions.	2	6

Warnings:

Information:

Total Files Size (in bytes):	333809
-------------------------------------	--------

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

PARSONS HSUE & DE RUNTZ LLP

595 MARKET STREET, SUITE 1900 SAN FRANCISCO, CA 94105
TEL 415.318.1160 FAX 415.693.0194

April 18, 2006

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Applicant(s): Wong et al.
Title: Analog Buffer Memory for High-Speed Digital Image Capture
Application No.: 09/159,397 Filing Date: September 23, 1998
Examiner: Whipkey, Jason T. Group Art Unit: 2612
Docket No.: SNDK.195US0 Conf. No.: 5079

Dear Sir:

Transmitted herewith are the following documents in the above-identified application

- (1) This Transmittal Letter; and
- (2) Alternative Petitions to (1) Withdraw Holding of Abandonment Under 37 C.F.R. 1.181, or (2) Revive the Application as Unintentionally Abandoned Under 37 CFR 1.137(b) and Attachments (5 pages).



No additional fee is required.



The fee has been calculated as shown below:

<input checked="" type="checkbox"/>	Issue Fee and Publication Fee	\$	1700.00
<input checked="" type="checkbox"/>	Advanced Copies		6.00
Total additional fee:		\$	<u>1706.00</u>



Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.



Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502664.

Respectfully submitted,



Gerald P. Parsons
Reg. No. 24,486

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sau C. Wong et al.		
Assignee:	SanDisk Corporation		
Title:	Analog Buffer Memory for High-Speed Digital Image Capture		
Application No.:	09/159,397	Filing Date:	September 23, 1998
Examiner:	Whipkey, Jason T.	Group Art Unit:	2612
Docket No.:	SNDK.195US0	Conf. No.:	5079

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ALTERNATIVE PETITIONS TO

- (1) WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181, or
(2) REVIVE THE APPLICATION AS UNINTENTIONALLY ABANDONED UNDER 37
CFR §1.137(b)**

Dear Sir:

This petition is in response to the Notice of Abandonment, mailed in the above-referenced case on February 21, 2006. The Notice of Abandonment (copy attached, Exhibit 1) was issued for failure to respond to the Notice of Allowance for the present application mailed on September 12, 2005.

More specifically, the Patent Office mailed a Notice of Allowance for the present application on September 12, 2005. In response, an Issue Fee transmittal (copy attached, Exhibit 2), which was due on December 12, 2005, was mailed back to the Patent Office on December 9, 2005. The return postcard (copy attached, Exhibit 3) that accompanied the transmittal shows it was received at the PTO on December 12, 2005. Copies of the Issue Fee transmittal and post card are included with this petition. As can be seen on the Issue Fee transmittal, the application, the Assignee, and the firm of the undersigned that is the representative of the Assignee in this case are all fully identified and the appropriate boxes on the form are filled in. Under section 4b, the method payment is indicated as being the Deposit Account, but with the number of the SNDK.195US0


Serial No.: 09/159,397

the method payment is indicated as being the Deposit Account, but with the number of the deposit account was inadvertently omitted. According to the Notice of Abandonment, the application is abandoned as issue and publication fees were not submitted. This is respectfully submitted to be in error as the Issue Fee transmittal was returned on time and, although the Deposit Account number was not explicitly included, the transmittal contained sufficient information for this to be determined as the undersigned firm was fully identified, including the Customer Number found on the Issue Fee transmittal. Therefore, it is requested that the holding of abandonment be withdrawn under 37 C.F.R. § 1.181.

Alternatively, if it is decided that the Notice of Abandonment cannot be withdrawn under 37 C.F.R. § 1.181, it is respectfully requested that the subject application be revived under 37 CFR §1.137(b) on the ground that the delay in responding was unintentional. It is submitted, based on the facts stated above, that the delay in responding to the Office action was the result of non-receipt of the Office Action and was therefore unintentional. The entire delay in filing the required reply from its due date until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional.

Please charge \$1706.00 for the Issue Fee, Publication Fee and 2 Advanced Copies, and any fees in connection with the filing of these alternative petitions to Deposit Account 502664.

Respectfully submitted,



Gerald P. Parsons
Reg. No. 24,486

4/17/06
Date

PARSONS HSUE & DE RUNTZ LLP
595 Market Street, Suite 1900
San Francisco, CA 94105
(415) 318-1160 (main)
(415) 318-1163 (direct)
(415) 693-0194 (fax)

Notice of Abandonment

Application No.

09/159,397

Examiner

WHIPKEY

Applicant(s)

WONG

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☒ The submitted fee of \$0 is insufficient. A balance of \$1700 is due.
The issue fee required by 37 CFR 1.18 is \$1400. The publication fee, if required by 37 CFR 1.18(d), is \$300.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: MailMail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

36257

7590

09/12/2005

PARSONS HSUE & DE RUNTZ LLP
595 MARKET STREET
SUITE 1900
SAN FRANCISCO, CA 94105

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

<u>Eleen Bowen</u>	(Depositor's name)
<u>Eleen Bowen</u>	(Signature)
<u>12/9/05</u>	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/159,397	09/23/1998	SAU C. WONG	M-10296 US	5079

TITLE OF INVENTION: ANALOG BUFFER MEMORY FOR HIGH-SPEED DIGITAL IMAGE CAPTURE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	12/12/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
WHIPKEY, JASON T	2612	348-231700

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Parsons Hsue &

2 de Runtz LLP

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

SanDisk Corporation

sunnyvale, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee☒ Publication Fee (No small entity discount permitted)☒ Advance Order - # of Copies 2

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Gerald P. ParsonsDate December 9, 2005Typed or printed name Gerald P. ParsonsRegistration No. 24,486

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**MAIL STOP ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Applicants: Wong et al.
Title: Analog Buffer Memory for High-Speed Digital Image Capture
Application No.: 09/159,397
Filing Date: September 23, 1998
Conf. No.: 5079
Atty Docket No.: SNDK.195US0

ENCLOSED:

1. This Return Receipt Postcard
 2. Issue Fee Transmittal (1 page - in duplicate)
- MGC/edb
Due Date: 12/12/05
Mailing Date: 12/9/05

RECEIVED

DEC 19 2005

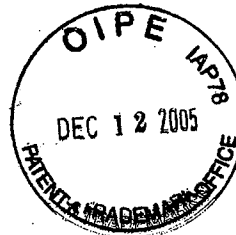
Parsons Hsue & de Runtz LLP

**MAIL STOP ISSUE FEE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Applicants: Wong et al.
Title: Analog Buffer Memory for High-Speed Digital Image Capture
Application No.: 09/159,397
Filing Date: September 23, 1998
Conf. No.: 5079
Atty Docket No.: SNDK.195US0

ENCLOSED:

1. This Return Receipt Postcard
 2. Issue Fee Transmittal (1 page - in duplicate)
- MGC/edb
Due Date: 12/12/05
Mailing Date: 12/9/05



13/12